

MITCHELL D. GLINER, Esq.
Nevada Bar No. 3419
3017 West Charleston Blvd., Suite 95
Las Vegas, NV 89102
(702) 870-8700
(702) 870-0034 FAX
Attorney for Plaintiff

FILED - RECEIVED
U.S. DISTRICT COURT
DISTRICT OF NEVADA
OCT 31 2005
CLERK OF COURT
JAMES L. HARRIS
CLERK

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

RICHARD CARSON,

Plaintiff,

vs.

EXPERIAN INFORMATION
SOLUTIONS, INC.

Defendant.

CV-S-05-1311-BES-GWF

JURY DEMANDED

COMPLAINT

JURISDICTION

1. The jurisdiction of this Court attains pursuant to the FCRA, 15 U.S.C. Section 1681(p), and the doctrine of supplemental jurisdiction. Venue lies in the Southern Division of the Judicial District of Nevada as Plaintiff's claims arose from acts of the Defendant(s) perpetrated therein.

PRELIMINARY STATEMENT

2. The Plaintiff brings this action for damages based upon Defendants' violations of the Fair Credit Reporting Act, 15 U.S.C § 1681 *et seq.* (hereinafter referred to as "FCRA"), and of state law obligations brought as supplemental claims.

3. Plaintiff is a natural person and is a resident and citizen of the State of Nevada and of the United States. Plaintiff is a "consumer" as defined by § 1681a(c) of the FCRA.

4. The Defendant EXPERIAN INFORMATION SOLUTIONS, INC., ("Experian"), is a corporate entity licensed to do business in the State of Nevada.

5. Experian is a consumer reporting agency, as defined in § 1681(f) of the FCRA, regularly engaged in the business of assembling, evaluating, and dispersing information concerning consumers for the purpose of furnishing consumer reports, as defined in § 1681a(d) of the FCRA, to third parties.

FACTUAL ALLEGATIONS

6. Plaintiff's creditworthiness has been repeatedly compromised by the acts, obduracy and general indifference of the Defendant.

7. On March 11, 2005, Plaintiff disputed the Quantum Collections account on his credit profile (Exhibit 1).

8. Exhibit 1 told of the cancer which disabled Plaintiff thereby undermining his ability to work out at the Las Vegas Athletic Club.

9. Exhibit 1 contained correspondence from Plaintiff's physician.

10. On April 20, 2005, Defendant simply verified the Quantum account notwithstanding Plaintiff's malignant condition which completely frustrated his ability to benefit under the contract (Exhibit 2).

STATEMENT OF CLAIM AS AGAINST DEFENDANT

11. In the entire course of its action, Defendant willfully and/or negligently violated the provisions of the FCRA in the following respects:

a. By willfully and/or negligently failing, in the preparation of the consumer reports concerning Plaintiff, to follow reasonable procedures to assure maximum possible accuracy of the information in the reports.

b. By willfully and/or negligently failing to comport with FCRA § 1681i.

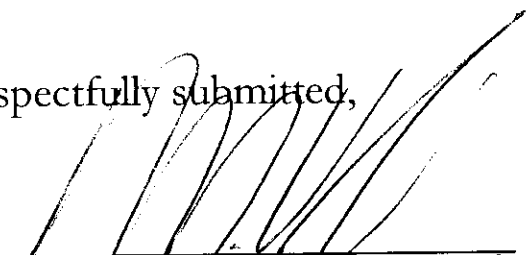
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PRAYER FOR RELIEF

THEREFORE, Plaintiff prays that the court grant the following relief as against Defendant:

- a. actual damages;
- b. punitive damages;
- c. attorney's fees; and
- d. costs.

Respectfully submitted,


MITCHELL D. GLINER, ESQ.
Nevada Bar #003419
3017 West Charleston Boulevard
Suite 95
Las Vegas, Nevada 89102
Attorney for Plaintiff

March 11, 2005

Certified Mail/Return Receipt Requested

Experian
Attention: NCAC
P.O. Box 2104
Allen, Texas 75002

Re: Richard L. Carson/Credit Dispute

Dear Sir:

This letter is a dispute. I enclose an excerpt from my recent credit profile.

I also provide my personal information: spouse: Jolande ; address: 2305 Plaza Del Grande, Las Vegas, Nevada 89102-4019; previous address: n/a; SSN: -4606; year of birth: 1955.

Please delete the Nevada Credico/Quantum Collections account. In July 2003, I indeed entered into a contract with Las Vegas Athletic Club. Two weeks later I was diagnosed with cancer. I could not use the facility at all. I was catheterized and bedridden with a urine bag. Once payment stopped, the Las Vegas Athletic Club representative repeatedly called insisting I pay as I "was not terminal."

You will note my credit is otherwise perfect. My doctor himself contacted Las Vegas Athletic Club to advise I was unable to use their facility. One of his letters is attached, and, in fact, I was never able to return to the facility over the course of the original contract.

Thank you for your consideration.

RICHARD L. CARSON

Enclosure

EXHIBIT /



Online Personal Credit Report from Experian for

Experian credit report prepared for
RICHARD CARSON-SELMAN
Your report number is
0494092042
Report date:
01/20/2005

Index:

- [Potentially negative items](#)
- [Accounts in good standing](#)
- [Requests for your credit history](#)
- [Personal information](#)
- [Important message from Experian](#)
- [Contact us](#)



Experian collects and organizes information about you and your credit history from public records, your creditors and other reliable sources. Experian makes your credit history available to your current and prospective creditors, employers and others as allowed by law, which expedite your ability to obtain credit and can make offers of credit available to you. We do not grant or deny credit; each credit grant is based on its own guidelines.

Potentially Negative Items

Credit Items

For your protection, the last few digits of your account numbers do not display.

QUANTUM COLLECTIONS

Address:
3224 CIVIC CENTER DR
NORTH LAS VEGAS, NV 89030
Status: NO STATUS.

Account Number:
356156955

Original Creditor:
LAS VEGAS ATHLETIC CLUB

Date Opened:
09/2004
Reported Since:
08/2004
Date of Status:
08/2004
Last Reported:
08/2004

Type:
Installment
Terms:
1 Months
Monthly Payment:
\$0
Responsibility:
Individual

Credit Limit/Original Amount:
\$545
High Balance:
NA
Recent Balance:
\$545 as of 08/2004
Recent Payment:
\$0

Your statement:
Account in dispute under Fair Credit Billing Act

Accounts in Good Standing

BANK OF AMERICA

Address:
4161 PIEDMONT PKWY
GREENSBORO, NC 27410
Status: Paid/Never late.

Account Number:
1087111....

Date Opened:
01/2001
Reported Since:

Type:
Installment
Terms:

Credit Limit/Original Amount:
\$8,725
High Balance:

02/2001
Date of Status:
01/2003
Last Reported:
01/2003

24 Months
Monthly Payment:
\$0
Responsibility:
Joint with JOLANDE CARSON

NA
Recent Balance:
NA
Recent Payment:
NA

BANK OF AMERICA

Address:
4161 PIEDMONT PKWY
GREENSBORO, NC 27410
Status: Paid/Never late.

Account Number:
1087081....

Date Opened:
01/1998
Reported Since:
02/1998
Date of Status:
02/2001
Last Reported:
02/2001

Type:
Installment
Terms:
36 Months
Monthly Payment:
\$0
Responsibility:
Joint with JOLANDE CARSON

Credit Limit/Original Amount:
\$17,851
High Balance:
NA
Recent Balance:
NA
Recent Payment:
NA

CHASE

Address:
100 DUFFY AVE
HICKSVILLE, NY 11801
Status: Card reported lost or stolen/Never late.

Account Number:
522276312165....

Date Opened:
10/1990
Reported Since:
08/2003
Date of Status:
09/2004
Last Reported:
09/2004

Type:
Revolving
Terms:
NA
Monthly Payment:
\$0
Responsibility:
Individual

Credit Limit/Original Amount:
\$6,000
High Balance:
\$3,212
Recent Balance:
NA
Recent Payment:
NA

Creditor's statement: Credit card lost or stolen.

CHASE

Address:
100 DUFFY AVE
HICKSVILLE, NY 11801
Status: Open/Never late.

Account Number:
522276312908....

Date Opened:
10/1990
Reported Since:
09/2001
Date of Status:
12/2004
Last Reported:
12/2004

Type:
Revolving
Terms:
NA
Monthly Payment:
\$0
Responsibility:
Individual

Credit Limit/Original Amount:
\$8,500
High Balance:
\$3,212
Recent Balance:
\$0 /paid as of 12/2004
Recent Payment:
\$709

American Academy of Urology

Scott Baranoff, M.D., Ltd.
Diplomate American Board of Urology

Elliot Horowitz, M.D., Ltd.
Diplomate American Board of Urology

David Larsen, M.D., Ltd.
Diplomate American Board of Urology

4275 S. Burnham Ave., Suite 320
Las Vegas, NV 89119
(702) 735-8000 * (702) 735-4795 (fax)

Date: 9/22/03

TO: L.V.A.C.
Member Services

RE: Acct # 618765
Richard L. Selman

Fax: 733-7771

Richard L. Carson has been under my care for urologic condition
since 8/1/03. He/She is able to return to ^{gym} work/school on 10/15/03.

Restrictions: Pt. unable to work-out during
above periods due to having
urologic surgery.

No Restrictions: _____

Dr. Scott Baranoff

RECEIVED
9/23/03

UG

experian

Correction Summary

About our verification process

The following shows the revision(s) made to your file as a result of our verification. If you still question an item, then you may want to contact the source of the information.

The federal Fair Credit Reporting Act states that you may:

- request a description of how we verified the information, including the business name and address contacted and the telephone number if reasonably available;
 - add a statement disputing the accuracy or completeness of the information; and
 - request that we send these results to organizations who have reviewed your credit report in the past two years for employment purposes or six months for any other purpose (twelve months for residents of Colorado, Maryland, and New York).
- If no information follows, our response appeared on the previous page.

Prepared for
RICHARD CARSON-SELMAN
Report date
April 20, 2005

Report number
0494092042

Page 1 of 2

Items we investigated

Items

Credit items

Outcome

QUANTUM COLLECTIONS
356/5...

Remains

Experian
NCAC

P.O. Box 9702
Allen TX 75013

If you have questions

Locate your Report Number, then contact us within 90 days from the date on this report.

For efficient, self-directed service, log on to

www.experian.com/disputes

For assistance, call

800 509 8495

Dispute services are available 24 hours a day.

To order a copy of your Experian Credit Score, call 1 888 322 5583.

Protect and manage your credit with Credit Manager, www.creditexpert.com

By law, we cannot disclose certain medical information (relating to physical, mental, or behavioral health or condition). Although we do not generally collect such information, it could appear in the name of a data furnisher (i.e., "Cancer Center") that reports your payment history to us. If so, those names display in your report, but in reports to others they display only as MEDICAL PAYMENT DATA. Consumer statements included on your report at your request that contain medical information are disclosed to others.



0146326190

L-888-01787-0101100



EXHIBIT 2